

DOCKET NO: 220033US90



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : :

Fuyuhiko INOUE, et al. : EXAMINER: STAFIRA, M. P.

SERIAL NO.: 10/080,537 : DATE ALLOWED: AUGUST 16, 2004

FILED: February 25, 2002 : GROUP ART UNIT: 2877

FOR: WAVEFRONT ABERRATION :
MEASURING METHOD AND
APPARATUS, EXPOSURE
APPARATUS, DEVICE
MANUFACTURING
METHOD, AND DEVICE

PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

37 C.F.R. § 1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances.

The Applicants respectfully petition in accordance with 37 C.F.R. § 1.181(a)(3) to compel consideration by the Examiner of the Supplemental Amendment filed on August 11, 2004, re-signed copies of which is attached as well as date-stamped filing receipt.

The Applicants note that the Notice of Allowance dated August 16, 2004, did not include an indication that the Supplemental Amendment filed on August 11, 2004, was entered and considered. In fact, the Notice of Allowance merely indicates that it was in response to the Request for Continued Examination filed on June 21, 2004. Furthermore, the statement of reasons for allowance set forth on pages 2 and 3 of the Notice of Allowance

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recites language present in the claims pending before the submission of the Supplemental Amendment filed on August 11, 2004.

Accordingly, the Applicants request entry and consideration of the Supplemental Amendment filed on August 11, 2004, which was before the issuance of the Notice of Allowability. Furthermore, the Applicants request a statement of reasons for allowance that accurately reflects the subject matter recited in the claims set forth in the Supplemental Amendment.

It is respectfully requested that this Petition under 37 C.F.R. § 1.181 be granted, and the Examiner be compelled to enter and consider the Supplemental Amendment filed on August 11, 2004 and provide the Applicants with an indication of the consideration thereof.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
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MM:CDW:brf

Petition Rule 181 - failure to consider Supplemental Amendment